2007 no. 96

AFKONDIGINGSBLAD VAN ARUBA

MINISTERIELE REGELING van 28 september 2007 ter uitvoering van artikel 3, derde lid, van het Uitvoeringsbesluit Landsverordening schadefonds olietankschepen (AB 2007 no. 94) (Regeling opgaveformulier bijdragende olie)

Uitgegeven, 28 september 2007

De minister van Justitie a.i.,

C.A.S.D. Wever

De minister van FINANCIËN EN ECONOMISCHE ZAKEN a.i.

In overweging genomen hebbende:

dat het wenselijk is het model vast te stellen voor het opgaveformulier van de hoeveelheden bijdragende olie, bedoeld in artikel 3, derde lid, van het Uitvoeringsbesluit Landsverordening schadefonds olietankschepen (AB 2007 no. 94);

Gelet op:

artikel 3, derde lid, van het Uitvoeringsbesluit Landsverordening schadefonds olietankschepen (AB 2007 no. 94);

HEEFT BESLOTEN:

Artikel 1

Het model van het opgaveformulier voor hoeveelheden bijdragende olie, bedoeld in artikel 3, derde lid, van het Uitvoeringsbesluit Landsverordening schadefonds olietankschepen (AB 2007 no. 94), luidt zoals opgenomen in de bij deze ministeriële regeling behorende bijlage. Het opgaveformulier is voorzien van een toelichting.

Artikel 2

1. Deze ministeriële regeling treedt in werking op het tijdstip waarop de Landsverordening schadefonds olietankschepen (AB 2005 no. 16) in werking treedt.
2. Zij kan worden aangehaald als Regeling opgaveformulier bijdragende olie.

C.A.S.D. Wever

BIJLAGE

NOTES

COMPANY OR ENTITY RECEIVING CONTRIBUTING OIL

A report should be submitted for each company or entity that received more than 150 000 metric tonnes of contributing oil (crude oil and heavy fuel oil as set out on page 4 of this form) in any calendar year. Company or entity includes any individual or partnership, any public or private body, whether corporate or not, and a State or any of its sub-divisions, such as provinces or agencies.

However, a report should also be submitted for any individual entity that received less than 150 000 tonnes of contributing oil in any calendar year if it forms part of a group of "associated" companies or other entities which together received more than 150 000 tonnes of contributing oil in the same State in that year. "Associated" means any subsidiary or commonly controlled entity. Whether or not an entity is associated shall be determined by the national law of the State concerned.

RECEIPTS OF CONTRIBUTING OIL

All contributing oil received during the relevant calendar year should be reported if it was:

A. received in the ports or terminal installations in the Member State directly after carriage by sea
   i. having been imported from other States, or
   ii. following coastal movement within the same State (eg from terminals at sea, from floating storage tanks, from offshore oil fields by vessel or after cabotage);

or

B. received by other modes of transport (eg by pipeline, non-sea-going barge, road or rail transport) from a non-Member State, after having been received in a port or terminal installation in that State after carriage by sea. Such oil is only liable for contributions on first receipt in a Member State.

Discharge into a floating tank within the territorial waters of the Member State (including its ports) constitutes a receipt, irrespective of whether the tank is connected with onshore installations via pipeline or not. Ships are considered to be floating tanks in this connection if they are 'dead' ships, ie if they are not ready to sail, or if they are permanently or semi-permanently at anchor.

"Received" does not include ship-to-ship transfer, irrespective of whether such a transfer
   i. takes place within a port area or outside the port but within territorial waters, or
   ii. is done solely by using the ships' equipment or by means of a pipeline passing over land, or
   iii. is between two sea-going vessels or from a sea-going vessel to an internal waterway vessel.

When the oil, after having been transferred in this way from a sea-going vessel to another vessel, has been carried by the latter to an onshore installation situated in the same Member State or in another Member State, the receipt in that installation shall be considered as receipt of oil carried by sea. However, in the case where the oil passes through a storage tank before being loaded to the other ship, it has to be reported as oil received at that tank in that State.

"Carriage by sea" does not include movement within the same port area.

SIGNATURES

The form should be signed by a competent officer of the company or entity receiving contributing oil as certification that the figures are correct. Should a Member State have declared that it assumes itself the liability to pay contributions in respect of oil received in the territory of that State, such a signature is not obligatory.

The form should also be signed by a responsible official of the Government or competent Government authority to indicate that the Government or authority is satisfied that the information given is complete and that the figures are correct.

REPORT TO THE IOPC FUNDS ON RECEIPTS OF CONTRIBUTING OIL

Before completing this form, please read the notes on page 2 and the definition of contributing oil on page 4.

STATE in which oil was received						
YEAR in which oil was received						
FUND to which report is being made ie to the 1992 Fund only, to the Supplementary Fund only or to both Funds	1992 Fund only		Supp. Fund only		Both Funds	

COMPANY OR ENTITY RECEIVING CONTRIBUTING OIL Please give details exactly as you would like them to appear on invoices		
COMPANY OR ENTITY		
FOR THE ATTENTION OF		
ADDRESS		
CONTACT PERSON in case of queries	Name	
	Job title	
	Telephone no.	
	Fax no.	
	Email address	
ASSOCIATED COMPANIES OR ENTITIES which may also have received contributing oil		

RECEIPTS OF CONTRIBUTING OIL ie crude oil and heavy fuel oil as defined on page 4 of this form			
			QUANTITY in metric tonnes, rounded to the nearest tonne
A. Received directly after carriage by sea			
	Imported from other States		
	After coastal movement within the same State		
B. Received by other modes of transport eg by pipeline, after carriage by sea			
	From a non-Member State		
	State from which received	**Mode of transport**	
TOTAL QUANTITY OF CONTRIBUTING OIL RECEIVED			

SIGNATURES			
OFFICER OF COMPANY OR ENTITY		**GOVERNMENT OFFICIAL**	
Signed		Signed	
Date		Date	
Name		Name	
Job title		Job title	
		Body	

FUND USE ONLY	File:	Associated to:	92 Fund	SF	Entered	Checked	**FUND USE ONLY**
	CTR/						

Contributing Oil

"Contributing oil" means crude oil and fuel oil as defined under (a) and (b) below:

(a) "Crude oil" means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation. It also includes crude oils from which certain distillat fractions have been removed (sometimes referred to as "topped crudes") or to which certain distillat fractions have been added (sometimes referred to as "spiked"or "reconstituted" crudes).

(b) "Fuel oil" means heavy distillates or residues from crude oil or blends of such materials intended foi use as a fuel for the production of heat or power of a quality equivalent to the "American Society foi Testing and Materials' Specification for Number Four Fuel Oil (Designation D396-69)", or heavier.

The following list of contributing and non-contributing oil is intended as a guide for contributors.

Contributing Oil

Crude Oils
All naturally occurring crude oils
Condensate [1]
Topped crudes
Spiked crudes
Reconstituted crudes

Finished Products
N°4 fuel (ASTM)
Navy special fuel
Light fuel oil
N°5 fuel (ASTM) - light
Medium fuel oil
N°5 fuel (ASTM) - heavy
Bunker C fuel oil
Heavy fuel oil
Marine fuel oil
N°6 fuel oil (ASTM)
Blended fuel oils by viscosity
or sulphur content
Bituminous emulsions and fuel oil emulsions [2]

Intermediate or Process Stocks
Fuel oil blend stocks

Non-Contributing Oil

Crude Oils
Natural gas liquids
Condensate [1]
Casinghead naphtha
Natural gasoline
Cohasset-panuke

Finished Products
LNG and LPG
Aviation gasolines
Motor gasoline (petrol, essence)
White spirit
Kerosene
Aviation kerosene
- Jet 1 A
- N°1 fuel (ASTM)
Gas oil
Heating oil
N°2 fuel (ASTM)
Lubricating oil
Marine diesel

Intermediate or Process Stocks
Straight run naphthas
Light cracked naphtha
Heavy cracked naphtha
Platformate
Reformate
Steam-cracked naphtha
Polymers
Isomers
Alkylates
Catalytic cycle oil
Reformer feed
Steam cracker feed
Gas oil blend stocks
Catalytic cracker feedstock
Visbreaker feedstock
Aromatic tar

<1> To be considered as 'non-contributing oil' if more than 50% by volume distils at a temperature of 340°C and at least 95% by volume distils at a temperature of 370°C, when tested by the ASTM Method D 86/78 or any subsequent revision thereof.

<2> Quantity of emulsion received should be reported with no allowance for its water content.

TOELICHTING

Op grond van artikel 3, derde lid, van het Uitvoeringsbesluit Landsverordening schadefonds olietankschepen (AB 2007 no. 94) dient de minister, belast met economische aangelegenheden, een model formulier vast te stellen. Dit formulier dient voor het opgeven van ontvangen hoeveelheden bijdragende olie door bijdrageplichtigen in Aruba aan het Internationaal Fonds voor vergoeding van schade door verontreiniging door olie (het Fonds).

Dit model formulier voor opgave en de toelichting daarbij is opgesteld door het Fonds en wordt gebruikt door alle landen die bij het Verdrag zijn aangesloten. Het formulier en de daarbij behorende toelichting is in de Engelse taal.